

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

TS EMPLOYMENT, INC.,

Debtor.

Case No. 15-10243 (MG)

Chapter 11

**FOURTH SUPPLEMENTAL STIPULATION AND ORDER TOLLING
APPLICABLE STATUTES OF LIMITATIONS WITH
RESPECT TO CLAIMS AGAINST KOSSOFF & KOSSOFF LLP**

James S. Feltman, not individually but solely in his capacity as Chapter 11 trustee (“Trustee”) of the bankruptcy estate of TS Employment, Inc. (“TSE”), and, on the other hand, Kossoff & Kossoff LLP, and Irwin Kossoff and Joseph Silverstein (the “Services Partners” and collectively with Kossoff & Kossoff LLP, “Kossoff,” and Kossoff together with the Trustee, the “Parties” or each a “Party”), hereby agree and stipulate:

WHEREAS, on February 2, 2015, TSE filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”); and

WHEREAS, the Trustee was appointed the chapter 11 Trustee of TSE’s bankruptcy estate; and

WHEREAS, on January 17, 2017, the Bankruptcy Court entered a stipulation and order tolling applicable statutes of limitations with respect to the Trustee’s claims against Kossoff in the TSE chapter 11 case through February 2018 (“TSE Stipulation”), Dkt. No. 231; and

WHEREAS, on February 20, 2018, the Bankruptcy Court entered an amended stipulation and order tolling applicable statutes of limitations with respect to the Trustee’s claims

against Kossoff in the TSE chapter 11 case through July 2018 (“Supplemental TSE Stipulation”), Dkt. No. 271; and

WHEREAS, on July 20, 2018, the Bankruptcy Court entered a stipulation and order tolling applicable statutes of limitations with respect to the Trustee’s claims against Kossoff in the CRS Debtors’ chapter 11 cases through August 10, 2018 (“Second Supplemental TSE Stipulation”), Dkt. No. 283; and

WHEREAS, on August 17, 2018, the Bankruptcy Court entered a stipulation and order tolling applicable statutes of limitations with respect to the Trustee’s claims against Kossoff in the CRS Debtors’ chapter 11 cases through September 10, 2018 (“Third Supplemental TSE Stipulation”), Dkt. No. 290;

NOW THEREFORE, the Parties stipulate and agree:

1. Paragraph 1 of the TSE Stipulation shall be superseded and replaced with the following: “The running of any applicable statute of limitations under sections 108, 546(a) and 549(d) of the Bankruptcy Code, and all other time limitations or time-based defenses concerning any claim or cause of action against Kossoff which might be asserted by the Trustee on behalf of the Debtor’s estates under or through various provisions of the Bankruptcy Code or non-bankruptcy law, including, without limitation, any of the Claims, is hereby tolled from the date of this Stipulation up to and including October 9, 2018 (the ‘Tolled Period’).”

2. Except as amended by this amended Stipulation and Order, the remaining terms of the TSE Stipulation, the Supplemental TSE Stipulation, the Second Supplemental TSE Stipulation, and the Third Supplemental TSE Stipulation remain in full force and effect.

IN WITNESS OF THE FOREGOING, the parties have executed, or caused to be executed, this Stipulation.

Dated: Chicago, Illinois
September 10, 2018

JAMES S. FELTMAN
Not Individually But Solely in His Capacity as
Chapter 11 Trustee

By His Counsel,
JENNER & BLOCK LLP
By:

/s/ Vincent E. Lazar
Vincent E. Lazar
353 N. Clark St.
Chicago, IL 60654

Dated: Santa Monica, California
September 10, 2018

IRWIN KOSSOFF

By His Counsel,
KINSELLA WEITZMAN ISER KUMP &
ALDISERT LLP
By:

/s/ Alan Kossoff
Alan Kossoff
808 Wilshire Blvd.
Third Floor
Santa Monica, CA 90401-1894

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Dated: New York, New York
September 10, 2018

KOSSOFF & KOSSOFF LLP
AND THE SERVICES PARTNERS

By Their Counsel,
LEWIS BAACH PLLC
KAUFMANN MIDDLEMISS
By:

/s/ Jason H. Berland
JASON H. BERLAND
The Chrysler Building
405 Lexington Avenue, 62nd Floor
New York, New York 10174

IT IS SO ORDERED.

Dated: September 27, 2018
New York, New York

/s/Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge